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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Jacques Dumas

BAYER 15 P3

6183

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EXAMINER

DESAI, RITA J

ART UNIT

PAPER NUMBER

1625

NOTIFICATION DATE

DELIVERY MODE

07/01/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@mwzb.com

Art Unit: 1625

DETAILED ACTION

Claims 2, 4,5,12, 15, 16, 25, 27, 34-37, 39, 40, 42, 45-47 are pending.

Response to the Arguments

The rejection under 35 USC 103 over Atwal has been withdrawn as applicants arguments are convincing.

The ODP rejection over US 7371763 and co-pending application 11/932269 still stands.

Applicants argue that the co-pending application and US'763 both have provisos that do not include compounds with the C=ORx group.

subject to the proviso that where R, R' or R'' is $-L(ML^1)_{n_1}$, L¹ is not substituted by the substituents $---C(O)R^1$, $---C(NR^2)R^1$, $---C(O)NR^2R^1$ and $---SO_2R^1$ wherein each R¹ and R² are independently hydrogen or a carbon based moiety of up to 24 carbon atoms, optionally containing heteroatoms selected from N, S and O, ~~where the substituent group is substituted by hydrogen~~ up to per halo, or by one or more substituents independently selected from the group consisting of $---CH_3$, $---CO_2R^1$, $---OR^1$, $---SR^1$, $---NR^1R^1$, $---NO_2$, $---NRC(O)R^1$ and $---NRC(O)OR^1$; with each R¹ and R² independently as defined above for W.

The provisos is given by very ambiguous words.

It can be read as the Ra and rb is not a moiety with 24 carbon atoms , optionally containing heteroatoms. This does not exclude the compounds of this invention.

Thus the examiner has maintained both the ODP's.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita J. Desai whose telephone number is 571-272-0684. The examiner can normally be reached on Monday - Friday, flex time..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rita J. Desai/
Primary Examiner, Art Unit 1625

June 25, 2010.